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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION
13

14 VICTOR P. GIOTTA and LORALEE GIOTTA,
on Behalf of Themselves and All Others
15 Similarly Situated,

16 Plaintiffs,

17 vs.

18 OCWEN FINANCIAL CORPORATION,
19 OCWEN LOAN SERVICING, LLC,
20 ALTISOURCE PORTFOLIO SOLUTIONS
S.A., ALTISOURCE SOLUTIONS, INC.;
21 WILLIAM C. ERBEY; and DOEs 1-50.

22 Defendants.
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) Case No. 5:15-cv-00620-BLF
) Hon. Beth L. Freeman
)
) CLASS ACTION
) UUÖÖÜÄÜÜÜXQÖ
)
) **STIPULATION FOR RELIEF FROM**
) **ORDER SETTING CASE**
) **MANAGEMENT CONFERENCE**
) **AND ADR DEADLINES (Fed. R. Civ.**
) **P. 16(b)(4); L.R. 16-2(e))**
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Pursuant to Fed. R. Civ. P. 16(b)(4), Local Rule 16-2(e), and by order of this Court, Plaintiffs Victor P. Giotta and Lorelee Giotta (“Plaintiffs”), and Defendants Ocwen Financial Corporation, Ocwen Loan Servicing, LLC, William C. Erbey, and Altisource Solutions, Inc. (jointly, “Defendants”) (Plaintiffs and Defendants are referred to collectively as “the Parties”), hereby respectfully stipulate and jointly request that the Court modify its order setting case management conference and ADR deadlines, dated December 29, 2015. Dkt. 77.

RECITALS

1. This action was commenced on February 9, 2015. Dkt. 1. On December 29, 2015, after the Giottas’ first amended complaint was ordered dismissed, the Court entered an order setting a deadline for filing a second amended complaint, a motion to dismiss briefing and hearing schedule, and various case management conference dates and deadlines. Dkt. 77.

2. On January 15, 2016, Plaintiffs filed their Second Amended Complaint. Dkt. 78. The Court subsequently approved the Parties’ stipulation to modify the briefing and hearing schedule for Defendants’ motion to dismiss, setting the hearing on June 9, 2016. Dkt. 83. However, the stipulation and order left the previously set case management deadlines intact. *Id.* On February 29, 2016, Defendants jointly moved to dismiss the Second Amended Complaint. Dkt. 84. Defendants’ joint motion to dismiss was heard on June 9, 2016. Dkt. 92. After the hearing, the Court took the matter under submission, and has yet to issue a ruling.

3. The initial case management conference is currently set for July 21, 2016. The following deadlines associated with the case management conference are rapidly approaching:

Last day to meet and confer (Fed. R. Civ. Proc. 26(f) & ADR L.R.3-5), File ADR certification (Civil L.R. 16-8 (b) & ADR L.R. 3-5(b)), and file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference (Civil L.R. 16-8 (c) & ADR L.R. 3-5(b) & (c)).	6/30/2016
Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report (FRCivP 26(a) (1)) and file Case Management Statement (Civil L.R. 16-9).	7/14/2016

Initial Case Management Conference	7/21/2016
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4. In light of the Court's pending ruling on Defendants' joint motion to dismiss, judicial economy and efficient use of litigation resources favor vacating these deadlines until it is known whether Plaintiffs' case will proceed and if so against which parties and on which claims, and whether any further amended pleadings will be ordered. The Parties have therefore met and conferred, and agree that the case management schedule set forth in the Court's December 29, 2015 Order should be **vacated**. The Parties further agree that given the uncertainty as to the timing of the Court's ruling on the Defendants' joint motion to dismiss, and whether a new amended pleading will be filed, a new case management conference and schedule should be set, if necessary, once the joint motion to dismiss is resolved.

[Signatures and order follow on next page.]

FEINSTEIN DOYLE PAYNE & KRAVEC, LLC

DATED: June 27, 2016

By: /s/ Joseph N. Kravec, Jr.
Joseph N. Kravec, Jr.
Attorneys for Plaintiffs
Victor P. Giotta and Lorelee Giotta

DATED: June 27, 2016

DENTONS US LLP

By: /s/ Andrew S. Azarmi
Andrew S. Azarmi
Attorneys for Defendants Altisource Solutions, Inc.

DATED: June 27, 2016

LOCKE LORD LLP

By: /s/ James C. Magid
James C. Magid
Attorneys for Defendants Ocwen Financial
Corporation, Ocwen Loan Servicing LLC and
William C. Erbey

CERTIFICATION

Pursuant to Local Rule 5-1(i)(3), the filing attorney attests that he has obtained concurrence regarding the filing of this document from the indicated signatories to the document.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: June 27, 2016

Beth Labson Freeman
Honorable Beth Labson Freeman
United States District Judge

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